

REMARKS/ARGUMENTS

Claims 20-44 were pending in the application and were rejected.

Claims 20-44 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication Number US 2002/0007340 A1 to Isaf et al.

Isaf is directed to a closed system wherein sellers and buyers can specifically target each other with confidential offers to sell or purchase merchandise. As taught by Isaf, each seller can select offer prices for specific buyers, and buyers can select amounts that they are willing to pay.

The present invention is directed to a method for ordering products over a network wherein the buyers are not associated with either the merchants or business entities. Hence, neither the business entities nor the merchants have prior knowledge of who a purchaser might be because the order terminals can be available to the public, such as an ATM machine or a retail kiosk. The business entities and the merchants of the present invention are not in a buyer/seller relationship with each other as are the buyers and sellers in Isaf. Rather, public users can be the buyers, who have access to order terminals provided by the business entities. Because the business entities have expended monies with respect to providing an order terminal, they may restrict certain competitors from being accessed via “their” order terminal.

Moreover, Isaf is directed mostly to providing control for buyers and sellers over products and prices that are provided in sales offers, see Abstract. One distinctive characteristic of the present invention that is not at all addressed by Isaf is that neither the user, the business entity, nor the merchant has sole control over what merchandise at what cost from what merchant is presented to the user. The present invention makes it possible that a third party user might not be able to order merchandise from a desired seller if the order terminal is located at a business entity that has a particular competitive relationship with the seller. Isaf does not contemplate this possibility.

It is clear that Isaf is directed to buyers, sellers, and a database for establishing buyer/seller relationships, see paragraph [0024]. Isaf does not contemplate anything related to a “business entity” such as in the present invention. Hence, it is not possible that Isaf could provide any relevant basis for rejecting any of the pending claims in the present patent application.

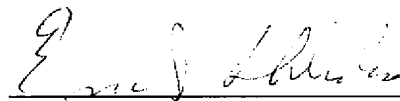
Independent claims 20, 33, and 43 have been amended to recite that a purchaser is not affiliated with the business entity or the merchant. Independent claim 44 has been amended to recite a purchaser unaffiliated with the business entity and more specifically identifies a ranking of a business relationship as being a "hostile" competitor, as described at least in FIG. 3. Claim 21 has been amended to recite a second purchaser who is unaffiliated with the business entities and the merchants. Claims 27 and 38 have been amended to recite that the ATM and catalog kiosk are publicly accessible, and claim 38 now recites only publicly available order terminals. Claims 28 and 39 have been amended to more specifically recite several possible associations between the business entity and the order terminals. Claim 33 has also been amended to include the second order terminal previously recited in claim 34. Claim 42 has been canceled.

In view of the foregoing, Applicants respectfully submit the prior art reference does not teach or suggest the invention as currently set forth.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company, Deposit Account No. 05-0225.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.